

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JORGE GONZALEZ,

Plaintiff,

ORDER

v.

SERGEANT JANTZEN,

10-cv-619-wmc

Defendant.

On January 20, 2011, plaintiff Jorge Gonzalez was allowed to proceed on his Eighth Amendment claim that defendant Sergeant Jantzen was deliberately indifferent to his serious risk of suicide. Shortly thereafter, Gonzalez notified the court that he had been released from prison. Defendant Jantzen answered the complaint on March 1, 2011. A telephone pretrial conference was scheduled for April 22, 2011, and Gonzalez was advised that he was responsible for calling the court.

Gonzalez failed to call the court on April 22nd. Magistrate Judge Crocker rescheduled the conference for May 5, 2011. Once again, Gonzalez failed to call. Finally, the judge issued an order providing Gonzalez a third chance to participate in the conference and rescheduled it to May 19, 2011. In that order, Gonzalez was warned that if he did not call the court, his case would likely be dismissed for his failure to prosecute it.

Because plaintiff failed to call the court on May 19, 2011, Judge Crocker issued an order stating that it appears plaintiff has abandoned this lawsuit. Nearly two months later, Gonzalez submitted a letter dated July 11th, asking that the court not dismiss his case because his failure to comply with the court's procedures resulted first from his working as a roofer "from sun up to sun down" and later from his having been re-incarcerated. These

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M. Hardin, Secretary to
Judge William M. Conley

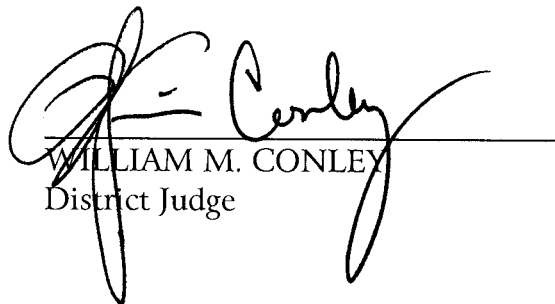
reasons, however, do not excuse Gonzalez's failure to call in for three, separate pretrial conferences, or at least to write the court timely, explaining his inability to so do. These repeated failures, along with Gonzalez's failure to take other minimal steps to prosecute his claim, including keeping the court advised of his current address, constitute abandonment of plaintiff's suit. The court will, therefore, dismiss Gonzalez's case for his failure to prosecute it pursuant to Fed. R. Civ. P. 41(b).

ORDER

IT IS ORDERED that this case is DISMISSED for plaintiff Jorge Gonzalez's failure to prosecute it.

Entered this 26th day of July, 2011.

BY THE COURT:



WILLIAM M. CONLEY
District Judge